

Sri H. K. VEERANNA GOWDH (Minister for Public Works).—I present the Report of the Select Committee on the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Bill, 1957.

Mr. SPEAKER.—The Report of the Select Committee on the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Bill, 1957 is presented.

## MYSORE LEGISLATURE SALARIES (SECOND AMENDMENT) BILL, 1957.

### *Introduction.*

Sri B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—I introduce the Mysore Legislature Salaries (Second Amendment) Bill, 1957, which has been published in the *Mysore Gazette* under rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.

Mr. SPEAKER.—The Mysore Legislature (Second Amendment) Bill, 1957 is introduced.

## MYSORE COURT FEES AND SUITS VALUATION BILL, 1957.

### *Motion to consider.*

Sri B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—I move:

“That the Mysore Court Fees and Suits Valuation Bill, 1957, be taken into consideration.”

Mr. SPEAKER.—Motion moved:

“That the Mysore Court Fees and Suits Valuation Bill, 1957, be taken into consideration.”

We will rise now for lunch and continue discussion on the Bill after recess. The House will now rise and meet after half an hour.

*The House adjourned for Lunch at Three of the Clock and reassembled at Thirty Minutes past Three of the Clock.*

[Mr. DEPUTY SPEAKER in the Chair]

## Point of Order

### Re. a Member's right to sit in the House.

Sri C. J. MUCKANNAPPA (Gubbi).—I rise to a point of order. Under articles 102 to 104 of the Constitution and rules 77 and 78 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, I want to say:—

ಈ ಸಭೆಗೆ ಸದಸ್ಯರಾಗಬೇಕಾಗಿದ್ದರೆ, ಯಾವ ಯಾವ ಅರ್ಹತೆ ಇರಬೇಕೋ ಆ ಅರ್ಹತೆಗಳ ಅಭಾವವಿದ್ದರೆ, ಅಂಥವರು ಈ ಸಭೆಯ ಸದಸ್ಯರಾಗುವುದಕ್ಕೆ ಅರ್ಹರಲ್ಲವೆಂದು 102, 103, 104 ಈ ಸೆಕ್ಷನ್‌ಗಳಲ್ಲಿವೆ. ಅಂಥ ಅರ್ಹತೆಯನ್ನು ಪ್ರಶ್ನೆ ಮಾಡಿದರೆ ಅದನ್ನು ಎಲೆಕ್ಷನ್ ಕಮಿಷನ್ ಮತ್ತೆ ರಾಷ್ಟ್ರಧ್ಯಕ್ಷರು ಅದನ್ನು ತೀರ್ಮಾನ ಮಾಡಬೇಕು ಎಂದು ರಾಜ್ಯಾಂಗದಲ್ಲಿದೆ. ಯಾರಾದರೂ ಚುನಾವಣೆಗೆ ನಿಂತು ಚುನಾವಣೆಯಲ್ಲಿ ಅವರು ಗೆಲ್ಲಲಿ ಅಥವಾ ಸೋಲಲಿ, ಅವರು ರೂಲ್ 78ರ ಪ್ರಕಾರ ಲೆಕ್ಕ ಪತ್ರಗಳನ್ನು ಸಮರ್ಪಕವಾಗಿಟ್ಟು ಅದನ್ನು ರಿಟರ್ನಿಂಗ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಒಪ್ಪಿಸಬೇಕೆಂದಿದೆ. ಹಾಗೆ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ನಿಯಮಿತ ಕಾಲದೊಳಗಾಗಿ ಒಪ್ಪಿಸದೆ ಹೋದರೆ, ಅವರ ಸದಸ್ಯತನ ರದ್ದಾಗುತ್ತದೆ ಎಂದಿದೆ. ಆ ರೀತಿ ಈ ಸಭೆಯ ಸದಸ್ಯರಾದ, ಮಾನ್ಯ ಎ. ವಿ. ನರಸಿಂಹರೆಡ್ಡಿ ಅವರು ಈ ಸಭೆಯ ಸದಸ್ಯತನವನ್ನು ಕಳೆದುಕೊಂಡಿದ್ದಾರೆಂದು ಎಲೆಕ್ಷನ್ ಕಮಿಷನ್ ಅವರು 5-9-1957ರ ಗೆಜೆಟ್‌ನಲ್ಲಿ ತಿಳಿಸಿದ್ದಾರೆ.

## ELECTION COMMISSION OF INDIA

*Notification No. MY-JA/151/57/ (90) dated 8th August 1957.*

“In pursuance of sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1956, the Election Commission hereby notifies the names of the persons shown in column I of the Schedule below who having been contesting candidates for election to the Mysore Legislative Assembly from the constituency specified in the corresponding entries in column 2 thereof, at the general election held in 1957, have in accordance with the decision given by the Election Commission under sub-rule (3) of the said rule, failed to lodge the accounts of election expenses in the manner required

(SRI C. J. MUCKANNAPPA)  
by law and have thereby incurred the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, Act 43 of 1951.

#### Schedule.

Names of contesting candidates

Name of constituency

Sri Krishna Raju.....

Sri A. V. Narasimha Reddy

..... Bangalore South

(Sd.)/

Secretary to the Election  
Commission."

According to this Notification, my friend the Hon'ble Member of this House has ceased to be a member of this House or even if he considers that he is a member, he has no right to sit here because of this Notification published in the *Mysore Gazette* on the 5th September 1957. Therefore, I request the Chair to rule that he has no right to sit here and ask him to quit the House. If he continues to sit here, he has to pay a penalty for every day he sits.

Mr. DEPUTY SPEAKER.—According to the Representation of the People Act, there is still time up to 8th October.

Sri C. J. MUCKANNAPPA.—The Constitution is here. The rules are in our hands and the Gazette Notification is here. Nowhere is it stated, either under any of the articles of the Constitution or under any of the Conduct of Elections and Election Petitions Rules, that a member who loses his membership has the right or privilege to sit in this august House. Therefore I request the Chair to give a ruling in this behalf.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ (ಚಾಮರಾಜನಗರ).—ಈಗ ಯಾರ ಮೇಲೆ ಆಕ್ಷೇಪಣೆಯನ್ನು ಎತ್ತಲಾಗಿದೆಯೋ ಆ ಮಾನ್ಯ ಸದಸ್ಯರು ಸಭೆಯಲ್ಲಿಯೇ ಕುಳಿತಿದ್ದಾರೆ. ಅವರು ಈ ವಿಷಯದಲ್ಲಿ explanation ಕೊಡುವುದಕ್ಕೆ ಅಧಿಕಾರವಿದೆಯೇ ಎನ್ನುವುದಕ್ಕೆ ಬರುತ್ತದೆ. ಅವರು ಈ ಸಭೆಯ ಸದಸ್ಯರಾಗಿಲ್ಲವೆಂದು ಸರಿಗಣಿಸುವುದಾದರೆ, ಅವರಿಗೆ ಇಲ್ಲಿ ಮಾತನಾಡಲೂ

ನಹ ಅವಕಾಶವಿಲ್ಲ. ಈ ಸಭೆಯಲ್ಲಿ ಕುಳಿತುದಾದಕ್ಕೆ ಪೆನಾಲ್ಟಿ ಹಾಕಬೇಕೆಂದು ಹೇಳುತ್ತಿರುವಾಗ ಅವರಿಗೆ explanation ಕೊಡುವುದಕ್ಕೆ ಅಧಿಕಾರವಿಲ್ಲವೆನ್ನುವುದನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರುತ್ತೇನೆ.

(Sri A. V. Narasimha Reddy rose)

Sri C. J. MUCKANNAPPA.—I would like to know under what provisions even the Chair can permit a person who has absolutely no place here, to speak. Can anybody who sits in the Visitors' Gallery, speak in this House? If a person who has incurred the disqualification can be allowed to speak in this House even under the Rules of Procedure and Conduct of Business, I would have absolutely no objection.

Mr. DEPUTY SPEAKER.—I have told you that there is still time up to 8th October. So there is no worry about it.

Sri A. V. NARASIMHA REDDY, (Bangalore South).—I rise to a point of order. My friends seem to take this House as a place where they can speak as they like. But far from that, there are certain well known conventions. . . . .

Sri K. KENCHAPPA (Hiriyur).—My friend makes an insinuation saying that the members cannot speak in the way they can speak, in whatever manner they like. Is it parliamentary? What is the idea in saying that? We must give due regard and respect to all members and one member cannot make insinuating remarks.

Mr. DEPUTY SPEAKER.—What Sri Narasimha Reddy said is not in anyway unparliamentary.

Sri K. KENCHAPPA.—I would consider it unparliamentary from the point of making an insinuation that members are incapable of representing things properly and that they cannot speak in whatever manner they like. I may also say so many things. There must be some limit in expressing ideas. I wish the Chair would give a ruling on this.

Sri B. VAIKUNTA BALIGA (Minister for Labour and Legal Affairs).—There seems to be more heat than is absolutely necessary at all. Because when we specify and mention that the words are unparliamentary, we will have to

mention what those words are. I have heard Sri A. V. Narasimha Reddy and all that he said is, "It looks as if the members feel that it is a place where they can talk whatever they feel." It is the right of everybody to say whatever he likes; it is the privilege of the House. Far from being unparliamentary, it is the most appropriate expression used. It is the fundamental right of every member to say what he feels proper. If it is wrong it will be overruled either by a vote or a ruling. When something is taken to be unparliamentary, what exactly is the expression that he has used?

Sri K. KENCHAPPA.—Unparliamentary in the sense that the member says that we cannot talk in whatever manner we like. What does that mean? Though every word of it is not unparliamentary, the entire expression gives an idea that members are speaking in a way which should not be done. We have got to take into consideration the sense of the sentence and not every word of it. The question of a sentence being unparliamentary is altogether different from the question of a sentence being used indicating an intention that a member should not have expressed in the way he expressed. What does that mean? Nobody is here to dictate terms and to say that a particular person should talk in a particular way. What is the intention in saying this thing? What is the meaning of the word 'insinuation' and 'defamation'? These two words have been used in the Rules of Procedure and conduct of business.

Mr. DEPUTY SPEAKER.—I do not think that is an insinuation made by Sri Narasimha Reddy.

Sri A. V. NARASIMHA REDDY.—I will explain the decision, Sir.

Sri C. J. MUCKANNAPPA.—On a point of order.

Sri A. V. NARASIMHA REDDY.—Sir, he has raised already a point of order.

Sri C. J. MUCKANNAPPA.—I want to bring to the notice of the House article 104. It reads as follows :—

"104. If a person sits or votes as a member of either House of Parliament before he has complied

with the requirements of article 99, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union."

Therefore, under the provision of the Constitution and under the Notification of the Election Commission, he has lost his membership. This notification is not of Mysore, but of the Government of India. Therefore he cannot sit here and take part.

Sri H. K. VEERANNA GOWDH (Minister for Public Works).—It is up to him.

Sri C. J. MUCKANNAPPA.—So, can any person come and sit here and pay a penalty of 500 rupees? Can we ignore the provisions of the Constitution and allow the member to participate in the proceedings of the House? I request the Chair to give a crystal clear ruling on this matter, namely, whether any member in spite of his being declared as disqualified, can sit in this House and take part. I leave it to the Chair to take such decision as it thinks right.

ಶ್ರೀ ಕೆ. ಎಚ್. ವೆಂಕಟರದ್ಡಿ (ಗೌರಿಬಿದನೂರು).—ಸ್ವಾಮಿ, ಆ ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಈಗ ಈ ಸಭೆಯಲ್ಲಿ ಕುಳಿತುಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದಿರುವಾಗ ಅವರಿಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಇನ್ನೆಲ್ಲ ಅವಕಾಶವಿದೆ?

Mr. DEPUTY SPEAKER.—I have already given a ruling and I have allowed Sri Narasimha Reddy to speak.

\*Sri A. V. NARASIMHA REDDY.—Even for the second time the Hon'ble Member is repeating the arguments he adduced in the beginning. I think my friend has not read the notification in full. There is a saving clause there and a saving phrase, which says that the disqualification shall come into force if it is not removed within that time, that is, 8th October 1957. So, if I do not get this disqualification removed within that date by submitting the vouchers etc., then all the points raised in the points of order would come up. Therefore, I am entitled to sit in the House and I am a regular member of this

(SRI A. V. NARASIMHA REDDY)  
House and nobody can question regarding the validity of my sitting and continuing and taking part in this House.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ (ಚಾಮರಾಜನಗರ).— ಈಗ ಅವರು ಹೇಳಿದ ಪ್ರಕಾರವೇನೇ ಅವರ ಸದಸ್ಯತ್ವದ ಬಗ್ಗೆ ಇರುವ ತಕರಾರು ಎಲ್ಲಿಯವರೆಗೆ ಇರುತ್ತದೆಂದರೆ ಈಗ ಅವರ ಮೇಲೆ ಹಾಕಿರತಕ್ಕ ಡಿಸ್‌ಕ್ವಾಲಿಫಿಕೇಷನ್ ರದ್ದಾಗಿರುವಂತಹ ಇರುತ್ತದೆಂದು ಅವರೇ ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ. ಅವರ ಹೇಳಿಕೆಗನುಗುಣವಾಗಿ ಅವರ ಮೇಲೆ ಹಾಕಿರತಕ್ಕ ಡಿಸ್‌ಕ್ವಾಲಿಫಿಕೇಷನ್ ಇನ್ನೂ ರದ್ದಾಗಿದೆ.

ಶ್ರೀ ಎಚ್. ಕೆ. ವೀರಣ್ಣ ಗೌಡ.—ನೀವು ಹಾಗೆ ಹೇಳುತ್ತೀರಿ. ಆ ಸದಸ್ಯರು ಆ ಡಿಸ್‌ಕ್ವಾಲಿಫಿಕೇಷನ್ ಇನ್ನೂ ಪುರುಷೇ ಅಗಿಲ್ಲವೆಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಅಕ್ಕಿನಿಲ್ಲ ಡಿಸ್‌ಕ್ವಾಲಿಫಿಕೇಷನ್ ರದ್ದು ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಆದರೆ ಅದು ಇನ್ನೂ ರದ್ದಾಗಿದೆ. . . .

Mr. DEPUTY SPEAKER.—Please refer to the Representation of the People Act—page 16. There is still time till October 8th.

Dr. T. PARTHASARATHY (Malleswaram).—It does not mean that it applies from to-day; it is only from the date of election.

Mr. DEPUTY SPEAKER.—It is the date fixed by the Election Commission.

Sri H. K. VEERANNA GOWDH.—I suggest that the Act may be passed on to the Leader of the Opposition so that he may go through the relevant clause.

[Mr. SPEAKER in the Chair]

Sri K. KENCHAPPA.—Sir, this clause reads as follows:—

“A disqualification under clause(c) of that section shall not take effect until the expiration of two months from the date on which the Election Commission has decided that the account of election expenses has not been lodged within that time and in the manner required by or under this Act.”

The disqualification does not arise on this decision. This gives the Commission the right to consider that a Member has incurred disqualification if these contingencies occur and if it is decided that he has incurred the disqualification, this section (8) sub-clause (b) does not apply.

Sri B. VAIKUNTA BALIGA.—Sir, from what was a discussion on a general point, we have now reduced ourselves

to the discussion of a particular case. The disqualification mentioned in the notification will not begin to operate for a period of two months from the date of the notification by the Commissioner.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ರೂಲ್ಸ್‌ಗೂ ಮತ್ತು ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್‌ಗೂ ಇರತಕ್ಕ ಇಂಟರ್‌ಪ್ರೀಟೇಷನ್ ಇಲ್ಲ ಇದೆ. ಆದ್ದರಿಂದ ಅದನ್ನು ನಾನು ನಿಮ್ಮ ಗಮನಕ್ಕೆ ತರಬೇಕಾಗಿದೆ ಅಷ್ಟೆ. ಇಂಡಿಯನ್ ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ 104ನೇ ಪ್ರೊವಿಷನ್ ಪ್ರಕಾರ ಹೀಗೆ ಇದೆ:—

104. “If a person sits or votes as a member of either House of Parliament before he has complied with the requirements. . . .”

(Several Members interrupted.)

Sri U. M. MADAPPA.—Let the Chair decide. He is there.

“.....of article 99, or when he knows that he is not qualified...”

We must concentrate our attention to the words “When he knows that he is not qualified.....”

“.....or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.”

ಆದ್ದರಿಂದ ಈಗ ತಾನೆ ತಿಳಿಸಿದಂತೆ ರೂಲ್ಸ್, ಪ್ರೊವಿಷನ್ ಅಥವಾ ದಿ ಇಂಡಿಯನ್ ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ ಪ್ರಕಾರ ಕಾಂಟ್ರಿಡೆಕ್ಟರಿ ಆದರೆ ಯಾವುದು ಸ್ಪಷ್ಟವೆಂದು ಆಗುತ್ತದೆ ಎಂಬುದನ್ನು ತಮ್ಮ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬಿಡುತ್ತೇನೆ. ಈಗ ಡಿಸ್‌ಕ್ವಾಲಿಫಿಕೇಷನ್ ಆಗಿದೆ ಎಂದು ಹೇಳಿ ಗೆಜೆಟ್ ನೋಟಿಫಿಕೇಷನ್ ಆದ ತಕ್ಷಣ ನಂಬಂಧ ಪಟ್ಟ ಸದಸ್ಯರಿಗೆ ತಿಳಿದುಬಂದಿದೆ. ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ 104ನೇ ಪ್ರೊವಿಷನ್ ಪ್ರಕಾರ ಯಾವ ಸದಸ್ಯರಿಗೆ ಯಾವತ್ತು ಡಿಸ್‌ಕ್ವಾಲಿಫಿಕೇಷನ್ ಆಗಿದೆ ಎಂದು ತಿಳಿದು ಬಂತೋ ಅಪೊತ್ತಿನಿಂದ ಅವರಿಗೆ ಮೆಂಬರ್‌ಷಿಪ್ ಸೀಡ್ ಆಗುತ್ತದೆ ಎನ್ನುವ ಅರ್ಥ ಅಲ್ಲ ಇದೆ. ಆದ್ದರಿಂದ ನರಸಿಂಹರೆಡ್ಡಿಯವರಿಗೆ ಇಪ್ಪೊತ್ತಿನ ದಿವಸ ಈ ಸಭೆಯಲ್ಲಿ ಕುಳಿತುಕೊಳ್ಳುವುದಕ್ಕಾಗಲಿ ಅಥವಾ ಮಾತನಾಡುವುದಕ್ಕಾಗಲಿ ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ 104 ನೆಯ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ಅಧಿಕಾರವಿಲ್ಲ ಎಂದು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಲಿಚ್ಛಿಸುತ್ತೇನೆ.

Sri G. ANNA RAO (Afzalpur).—Sir, the contention seems to be based on a mis-interpretation of the various sections. When an

election takes place, there is a provision that an account of the expenses should be lodged with the Returning Officer within the time and in the manner prescribed. The 'time' and the 'manner' prescribed are most important here. If he fails to lodge the accounts in time or in the manner prescribed, he incurs disqualification. The point here is that the Election Commission gives a decision on a particular date. That date is very important and clause 7 of the Peoples Representation Act has provided that disqualification which is published in a notification, will not take effect until two months has lapsed from the date of notification. Therefore for two months from the date of such notification, the Member has a right to sit in the House and he continues as a Member. Within the period of two months, if the Member concerned makes a representation to the Election Commission and the Election Commission accepts that representation, the disqualification is removed. Such a removal will take place after two months and if this is not done, then automatically the Member concerned ceases to be a Member and the disqualification takes effect. After that, according to the Constitutional provisions, he cannot sit in the House.

**Dr. T. PARTHASARATHY.**—In the notification, it is said that he is permitted to be here till the 8th of August, but under the provisions of law the situation is said to be different. How could these ambiguities arise, if the member has already incurred disqualification?

**\*Sri A. V. NARASIMHA REDDY.**—Sir, may I be permitted to explain? Here the question is not one of not lodging election expenses account within the time allowed. The election returns have been lodged in good time, but the Election Commission after going through them found that two of the vouchers were not original. Therefore they have issued me a notice, through a notification on 8th August 1957 that I should produce the original vouchers within a particular date *i.e.*, 8th October 1957 and get the disqualification removed. If I fail to

produce these two vouchers within the period *i.e.*, 8th October 1957 and get the disqualification removed, the disqualification would come into operation. Therefore the Gazette notification issued on 8th August 1957 comes into effect, according to the Representation of Peoples Act, on 8th October 1957. Therefore the apprehension of my Hon'ble friends is not tenable and if they want further clarification on the contradictions between the Constitution of India and the Representation of Peoples Act, I beg to submit, that this is not the forum for it.

**Mr. SPEAKER.**—Here is a letter from the Election Commission itself, which clears the point beyond any doubt. The letter is from the Election Commission of India, addressed to the Speaker, Mysore Legislative Assembly Bangalore.

**"Sub : ACCOUNT OF ELECTION  
EXPENSES.**

Sir, I am directed to forward herewith a copy of the Commission's notification No. 1 MY-LA/151/57 (90) dated the 8th August 1957, issued under sub-rule (4) of rule 134 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.

I am also to add that the disqualification which has been incurred under section 7 (c) of the Representation of the People Act, 1951, by Shri A. V. Narasimha Reddy, an elected candidate, shall, unless removed earlier, take effect from the 8th October, 1957."

Therefore the question of his disqualification does not arise now.

**Sri T. MARIAPPA** (Minister for Finance).—Much ado about nothing! (*Laughter*).

## MYSORE COURT FEES AND SUITS VALUATION BILL, 1957

### *Motion to consider.*

**Sri B. VAIKUNTA BALIGA** (Minister for Labour and Legal Affairs).—Sir, I move :

"That the Mysore Court-Fees and Suits Valuation Bill, 1957, be taken into consideration."